

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

WPS Energy Services, Inc.	:	
	:	
Application for Certificate of	:	00-0199
Service Authority under Section	:	
16-115 of the Public Utilities Act.	:	

ORDER ON REMAND

By the Commission:

On March 2, 2000, WPS Energy Services, Inc. ("WPS", "WPS-ESI" or "Applicant"), an affiliate of Wisconsin Public Service Corporation ("WPSC") and Upper Peninsula Power Company, filed an application with this Commission requesting a certificate of service authority in order to become an alternative retail electric supplier ("ARES") in Illinois pursuant to Section 16-115 of the Public Utilities Act ("Act") and 83 Ill. Adm. Code 451 ("Part 451").

An Order was entered by the Commission on April 18, 2000. Subject to certain conditions, that Order granted an ARES Certificate ("Certificate") to Applicant for the service territories of Commonwealth Edison Company and three other electric utilities.

On March 16, 2001, the Commission entered an Order Reopening Proceeding to consider and determine, on an expedited basis, whether it should rescind, alter or amend the Order it entered in this proceeding on April 18, 2000, with the scope of the reopening limited to further consideration of whether WPS meets the reciprocity standards set forth in Section 16-115(d)(5) of the Act.

On May 9, 2001, the Commission entered an Order on reopening in which the Certificate granted in the Order entered April 18, 2000 was affirmed, subject to certain conditions.

The parties in the proceeding are identified in the above-referenced orders.

The matter was appealed to the Appellate Court of Illinois, Fifth District ("Appellate Court"), Docket No. 5-01-0416 by an Intervenor, Local Unions 15, 51 and 702 of the International Brotherhood of Electrical Workers, AFL-CIO.

In an opinion filed June 20, 2002, which was the subject of a Mandate issued October 31, 2002, the Appellate Court disagreed with the Commission's interpretation of the reciprocity standards in Section 16-115(d)(5). The Court reversed the decision of the Commission and remanded the cause to the Commission for further proceedings.

Thereafter, following written notice to the parties, a prehearing conference was held on December 5, 2002, and a schedule on remand was implemented.

On December 27, 2002, WPS filed a "Motion to Terminate and Dismiss Proceedings and to Accept Voluntary Surrender of ARES Certificate" ("Motion"). In that Motion, WPS "moves the Commission enter an order approving the dismissal of its Application for Certification as an ARES on remand and the voluntary surrender of its Certificate of Service Authority as an ARES in Illinois without prejudice." In its Motion, WPS represents that "there are no power contracts in existence for WPS-ESI and that WPS-ESI has made no sales as an ARES in Illinois since the issuance of its Certificate."

A notice was served providing other parties an opportunity to respond to WPS' Motion. No such responses were filed.

The Commission, having reviewed the entire record, is of the opinion and finds that:

- (1) the Commission has jurisdiction of the parties and subject matter herein;
- (2) the facts recited in the prefatory portion of this order are supported by the record and are hereby adopted as findings of fact;
- (3) the Motion filed by WPS on December 27, 2002 should be granted, and the Certificate that was issued to WPS in an Order entered April 18, 2000, and affirmed in an Order on Reopening entered May 9, 2001, should be cancelled.

IT IS THEREFORE ORDERED that the Motion filed by WPS on December 27, 2002 is granted; that the proceedings on remand in Docket No. 00-0199 are concluded and are hereby dismissed without prejudice; and that the Certificate granted to WPS in the Order entered April 18, 2000 and affirmed in an Order on Reopening entered May 9, 2001 is hereby cancelled.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-110 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By order of the Commission this 23rd day of January, 2003.

(SIGNED) KEVIN K. WRIGHT

Chairman